

REMARKS/ARGUMENTS

Reconsideration of this application in light of the above amendments and following comments is courteously solicited.

The examiner rejected previously submitted claims 1, 10, 13, 14 and 16 under 35 U.S.C. 103 as being obvious over UK 14 82 724. Claims 11, 12, 15 and 17 were rejected under 35 U.S.C. 103 over the same UK patent in combination with a variety of secondary references. As to how these rejections apply to the claims as amended herein, they are respectfully traversed.

Independent claims 1 and 15 have now been amended so as to set forth positive additions of magnesium. Positive additions of magnesium are critical to obtaining the spheroidal graphite in the cast iron alloy in the as cast condition. In support of this criticality, Applicant submits concurrently herewith a Declaration under 37 C.F.R. 1.132 of Werner Menk. The declaration clearly demonstrates that an absence of a positive addition of magnesium results in a flake graphite as cast structure as opposed to a spheroidal graphite structure in the as cast condition when magnesium is present. It is respectfully submitted that the UK document cited by the examiner fails to appreciate the criticality of magnesium in order to obtain the necessary spheroidal graphite of the present invention in the as cast condition. When one views the '724 patent in its entirety, one sees preferred alloyed compositions in the paragraph bridging Pages 1 and 2 and in the paragraph bridging columns 1 and 2 of Page 2 of the '724 patent. One can see that these embodiments for the cast iron melt dot not contain a positive addition of magnesium. Accordingly, the positive addition of magnesium in combination with the other elements of the alloy as claimed in the instant application is not recognized by the '724 patent as being critical in order to obtain the claimed

spheroidal graphite in the as cast condition. Accordingly, it is believed that any rejection of the claims as now pending based on the '724 patent is improper.

The early issuance of a Notice of allowance is respectfully requested.

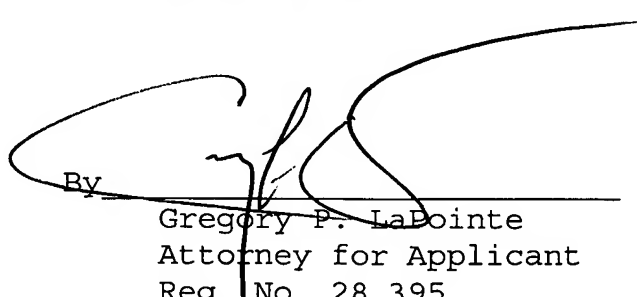
An earnest and thorough attempt has been made by the undersigned to resolve the outstanding issues in this case and place same in condition for allowance. If the Examiner has any questions or feels that a telephone or personal interview would be helpful in resolving any outstanding issues which remain in this application after consideration of this amendment, the Examiner is courteously invited to telephone the undersigned and the same would be gratefully appreciated.

It is submitted that the claims as amended herein patentably define over the art relied on by the Examiner and early allowance of same is courteously solicited.

If any fees are required in connection with this case, it is respectfully requested that they be charged to Deposit Account No. 02-0184.

Respectfully submitted,
Werner Menk

By


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I, Rachel Piscitelli, hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313 on July 26, 2006.

